

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	REQUEST FOR HEARING ON A MOTION (PRAECIPE) ORDER / JUDGMENT	CASE NO. 10-005687-CZ
---	---	--------------------------

2 Woodward Avenue, Detroit, Michigan

Plaintiff name(s)

HYDE PARK COOPERATIVE, a Michigan Non-profit
corporation, et. al.

V

Defendant name(s)

CITY OF DETROIT, by and through its BUILDINGS AND
SAFETY ENGINEERING DEPARTMENT

Plaintiff attorney, bar no., address, and telephone no.

Mark K. Wasvary P51575
Becker & Wasvary, P.L.L.C.
2301 W. Big Beaver Rd., Suite 318
Troy, MI 48064
(248) 649-5667

Defendant's attorney, bar no., address, and telephone no.

MICHAEL M. MULLER P38070
City of Detroit Law Department
660 Woodward Ave.
1650 First National Building
Detroit, MI 48226-3535
(313) 237-3057

COPY

List additional attorneys on other side

1. Motion Title: Plaintiff's Motion for Class Certification

2. Moving Party: Plaintiff's Attorney Telephone No. 248 649-5667

3. Please place on the motion calendar for:

Judge	Bar No.	Date	Time
Michael F. Sapala	P19891	Friday, February 4, 2011	8:30 a.m.

Adj. to: _____ Adj. to: _____ Adj. to: _____

4. I certify that I have made personal contact with Defendant's attorney
on 12/22/10 regarding concurrence in relief sought in this motion and that concurrence has been
denied or that I have made reasonable and diligent attempts to contact counsel regarding concurrence with
motion.

Date 1/11/11 Attorney Mark Wasvary Bar No. P- 51575

ORDER / JUDGMENT

DATED: _____

IT IS ORDERED THAT THIS MOTION IS:

☐ DENIED ☐ GRANTED IN PART / DENIED IN PART ☐ TAKEN UNDER ADVISEMENT ☐ DISMISSED
☐ GRANTED AND IT IS FURTHER ORDERED AND ADJUDGED:

CIRCUIT JUDGE

Approved as to form and substance by Counsel for:

Plaintiff _____

Defendant _____

Date _____

FILE EITHER IN PERSON OR BY MAIL WITH:
CATHY MARIE GARRETT
WAYNE COUNTY CLERK
201 CITY-COUNTY BUILDING
DETROIT, MI 48226

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

HYDE PARK COOPERATIVE, a Michigan Non-profit corporation, VILLAGE CENTER ASSOCIATES LIMITED DIVIDEND HOUSING ASSOCIATION, BOWIN PLACE ASSOCIATES LIMITED DIVIDEND HOUSING ASSOCIATION, CAMBRIDGE TOWER ASSOCIATES LIMITED DIVIDEND HOUSING ASSOCIATION, FENIMORE LIMITED DIVIDEND HOUSING ASSOCIATION, MILLENDER CENTER ASSOCIATES LIMITED PARTNERSHIP, PLYMOUTH SQUARE LIMITED DIVIDEND HOUSING ASSOCIATION, FOUNTAIN COURT CONSUMER HOUSING COOPERATIVE,

Plaintiffs,

v

CITY OF DETROIT, by and through its BUILDINGS AND SAFETY ENGINEERING DEPARTMENT,

Defendant.

Case No. 10-005687-CZ
HON: Michael F. Sapala

COPY

BECKER & WASVARY, P.L.L.C.
By: CARL G. BECKER (P10608)
By: MARK K. WASVARY (P51575)
Attorneys for Plaintiffs
2301 W. Big Beaver Rd., Suite 318
Troy, MI 48084
(248) 649-5667

MICHAEL M. MULLER (P38070)
Attorney for Defendant
City of Detroit Law Department
660 Woodward Ave
1650 First National Building
Detroit, MI 48226-3535
(313) 237-3057

NOTICE OF HEARING

TO: Michael M. Muller
660 Woodward Ave.
1650 First National Building
Detroit, MI 48226-3535

PLEASE TAKE NOTICE that Plaintiff's Motion for Class Certification is scheduled to come on for hearing before Honorable Michael F. Sapala in his courtroom, at 2 Woodward Ave., Detroit, Michigan on Friday, the 4th of February, 2011, at 8:30 o'clock in

the forenoon, or as soon thereafter as counsel may be heard.

Respectfully submitted,

BECKER & WASVARY, P.L.L.C.

By: 

MARK K. WASVARY P51575

Attorneys for Plaintiffs

2301 W. Big Beaver Rd., Suite 318

Troy, MI 48084

(248) 649-5667

email: markwasvary@hotmail.com

DATED: January 11, 2011

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

HYDE PARK COOPERATIVE, a Michigan Non-profit
corporation, VILLAGE CENTER ASSOCIATES LIMITED
DIVIDEND HOUSING ASSOCIATION, BOWIN PLACE
ASSOCIATES LIMITED DIVIDEND HOUSING
ASSOCIATION, CAMBRIDGE TOWER ASSOCIATES
LIMITED DIVIDEND HOUSING ASSOCIATION,
FENIMORE LIMITED DIVIDEND HOUSING
ASSOCIATION, MILLENDER CENTER ASSOCIATES
LIMITED PARTNERSHIP, PLYMOUTH SQUARE
LIMITED DIVIDEND HOUSING ASSOCIATION,
FOUNTAIN COURT CONSUMER HOUSING
COOPERATIVE,

Plaintiffs,

v

CITY OF DETROIT, by and through its BUILDINGS
AND SAFETY ENGINEERING DEPARTMENT,

Defendant.

Case No. 10-005687-CZ
HON: Michael F. Sapala

COPY

BECKER & WASVARY, P.L.L.C.
By: CARL G. BECKER (P10608)
By: MARK K. WASVARY (P51575)
Attorneys for Plaintiffs
2301 W. Big Beaver Rd., Suite 318
Troy, MI 48084
(248) 649-5667

MICHAEL M. MULLER (P38070)
Attorney for Defendant
City of Detroit Law Department
660 Woodward Ave
1650 First National Building
Detroit, MI 48226-3535
(313) 237-3057

PLAINTIFF'S MOTION FOR CLASS CERTIFICATION

NOW COMES, PLAINTIFFS, by and through their attorneys BECKER &
WASVARY, P.L.L.C. and for this Motion pursuant to MCR 3.501 states as follows:

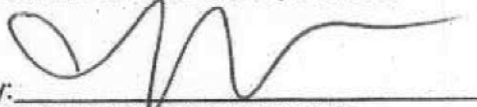
1. Plaintiffs hereby request that pursuant to MCR 3.501 this Court certify this
matter as a class action and appoint Plaintiffs and their counsel to represent the class for
reasons set forth in the Brief in Support of Plaintiffs Motion for Class Certification.

WHEREFORE, Plaintiffs pray for the following relief:

- A) An Order certifying Plaintiff class and appointing Plaintiffs and their counsel to represent the class;
- B) Such other and different relief as is just and equitable.

Respectfully submitted,

BECKER & WASVARY, P.L.L.C.



By: _____
MARK K. WASVARY P51575
Attorneys for Plaintiffs
2301 W. Big Beaver Rd., Suite 318
Troy, MI 48084
(248) 649-5667
email: markwasvary@hotmail.com

DATED: January 5, 2011

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

HYDE PARK COOPERATIVE, a Michigan Non-profit corporation, VILLAGE CENTER ASSOCIATES LIMITED DIVIDEND HOUSING ASSOCIATION, BOWIN PLACE ASSOCIATES LIMITED DIVIDEND HOUSING ASSOCIATION, CAMBRIDGE TOWER ASSOCIATES LIMITED DIVIDEND HOUSING ASSOCIATION, FENIMORE LIMITED DIVIDEND HOUSING ASSOCIATION, MILLENDER CENTER ASSOCIATES LIMITED PARTNERSHIP, PLYMOUTH SQUARE LIMITED DIVIDEND HOUSING ASSOCIATION, FOUNTAIN COURT CONSUMER HOUSING COOPERATIVE,

Case No. 10-005687-CZ
HON: Michael F. Sapala

Plaintiffs,

v

CITY OF DETROIT, by and through its BUILDINGS AND SAFETY ENGINEERING DEPARTMENT,

Defendant.

COPY

BECKER & WASVARY, P.L.L.C.
By: CARL G. BECKER (P10608)
By: MARK K. WASVARY (P51575)
Attorneys for Plaintiffs
2301 W. Big Beaver Rd., Suite 318
Troy, MI 48064
(248) 649-5667

MICHAEL M. MULLER (P38070)
Attorney for Defendant
City of Detroit Law Department
660 Woodward Ave
1650 First National Building
Detroit, MI 48226-3535
(313) 237-3057

BRIEF IN SUPPORT OF PLAINTIFFS MOTION FOR CLASS CERTIFICATION

Introduction

This action is brought on behalf of a class of owners of residential buildings subject to inspection by the Defendant which have been charged inspection fees that are not based on the actual, reasonable costs of the inspection for which the fee is charged.

The City of Detroit, under its Building and Safety Engineering Department, performs annual or near annual inspections of various types of commercial, industrial, and multi-